

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
Southern**

|                           |   |                          |
|---------------------------|---|--------------------------|
| UNITED STATES OF AMERICA, | ) |                          |
|                           | ) |                          |
| Plaintiff,                | ) |                          |
|                           | ) |                          |
| vs.                       | ) | No. 08-03081-04-CR-S-ODS |
|                           | ) |                          |
| STEPHEN R. SMITH,         | ) |                          |
|                           | ) |                          |
| Defendant.                | ) |                          |

**REPORT AND RECOMMENDATION  
CONCERNING PLEA OF GUILTY**

The Defendant, by consent, has appeared before me pursuant to Rule 11, F.R.Cr.P., 22(k)(26), WDMO, and 28 U.S.C. §636, and has entered a plea of guilty to Count One of the Indictment, filed on August 5, 2008. After cautioning and examining the Defendant under oath concerning each of the subjects mentioned in Rule 11, I determined that the guilty plea was knowledgeable and voluntary as to each count, and that the offense charged is supported by a factual basis for each of the essential elements of the offense. I therefore recommend that the plea of guilty be accepted and that the Defendant be adjudged guilty and have sentence imposed accordingly.

Date: 10/29/08

/s/ James C. England  
JAMES C. ENGLAND, CHIEF  
UNITED STATES MAGISTRATE JUDGE

NOTICE

Failure to file written objections to this Report and Recommendation within ten(10) days from the date of its service shall bar an aggrieved party from attacking such Report and Recommendation before the assigned United States District Judge. 28 U.S.C. §636(b)(1)(B).